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disposed of. In so far as the sought declaration of paternity itself is concerned, there is no question but that blood tests will be useful. The Court should have available to it all reasonable evidence that can appropriately be made available. A child has a right to apply to the Court for a declaration of parentage. As I have said previously, that right as contained in the *Children's Law Reform Act, 1977* is a new right. While it is tempting to accept the submission of counsel for the respondent Bozo Juric that the mother of the child, the respondent Ljubica Bagaric, is orchestrating this litigation, I nevertheless conclude that it is not reasonable for me to speculate as to the *bona fides* of the child's application for a determination as to her parentage. There will be no real issue as to maternity. There will be an issue as to paternity. Expert evidence dealing with an analysis of the blood of the child and the respondents will likely assist the Court. Accordingly, the order sought under s. 10 will issue.

This is not a case for costs under the circumstances.

Order accordingly.

**Re Borough of Etobicoke and Ontario Human Rights
Commission et al.**

[26 O.R. (2d) 308]

Human rights — Discrimination — Age — Prohibition against dismissing because of age — Age defined as between 40 and 65 years — Provision that no discrimination arises if age is bona fide occupational qualification — Municipality in pursuance of collective agreement requiring firemen to retire at age 60 — Whether proper — Ontario Human Rights Code, R.S.O. 1970, c. 318, ss. 4(1)(b), (6), 19(a).

NOTE: An appeal from the above decision to the Ontario Court of Appeal was dismissed (Jessup, Weatherston and Morden, J.J.A.) September 9, 1980. The following was endorsed on the Appeal Record by

JESSUP, J.A.:—Appeal dismissed for the reasons given by O'Leary, J.

J. Polika, Q.C., for appellant, respondent.

D. K. Gray and *R. R. Dunsmore*, for respondents, appellants.

Subsequently, leave to appeal to the Supreme Court of Canada

was granted (Laskin, C.J.C., Ritchie and Estey, JJ.) November 3, 1980.

[HIGH COURT OF JUSTICE]
[DIVISIONAL COURT]

Re Hayles and Sproule et al.

CALLAGHAN, J.

25TH AUGUST 1980.

Administrative law — Judicial review — Applicant seeking judicial review of decision in disciplinary proceedings under Police Act — Applicant also appealing decision to Board of Police Commissioners pursuant to Police Act — Whether Divisional Court can stay hearing of appeal pending judicial review — Judicial Review Procedure Act, 1971 (Ont.), c. 48, s. 4 — Police Act, R.S.O. 1970, c. 351 — R.R.O. 1970, Reg. 680, s. 19.

Police — Disciplinary proceedings — Applicant seeking judicial review of decision in disciplinary proceedings — Applicant also appealing decision to Board of Police Commissioners pursuant to Police Act — Whether Divisional Court can stay hearing of appeal pending judicial review — Judicial Review Procedure Act, 1971 (Ont.), c. 48, s. 4 — Police Act, R.S.O. 1970, c. 351 — R.R.O. 1970, Reg. 680, s. 19.

Under the *Judicial Review Procedure Act*, 1971 (Ont.), c. 48, s. 4, the Court can make such interim orders as are necessary to effect the exercise of the jurisdiction of review, including an order to stay the hearing of an appeal from a disciplinary decision pursuant to the *Police Act*, R.S.O. 1970, c. 351, pending judicial review.

APPLICATION for an interim order under s. 4 of the *Judicial Review Procedure Act*, 1971 to stay an appeal under the *Police Act*.

H. P. Rolph, for applicant.

R. M. Parker, for respondents.

CALLAGHAN, J. (orally):—This is an application for an interim order pursuant to s. 4 of the *Judicial Review Procedure Act*, 1971 (Ont.), c. 48, to stay the hearing of an appeal filed on behalf of the applicant herein, pursuant to s. 19 of R.R.O. 1970, Reg. 680, made under the *Police Act*, R.S.O. 1970, c. 351, by the respondent, the Metropolitan Board of Commissioners of Police (the Board), pending final determination of the within application for judicial review. The appeal was filed by the applicant herein to preserve his rights thereto pending the disposition of the matter before this Court. On August 14, 1980, the Board notified the applicant that it would hold a hearing in respect of the appeal filed on behalf of the applicant on September 4, 1980.

